

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2004-070404

04/26/2004

HON. HARRIETT CHAVEZ

CLERK OF THE COURT
M. Smith
Deputy

IN RE THE MARRIAGE OF
DAVID JOE NUTTALL

FILED: 04/28/2004

JULIUS F HARMS III

AND

DAWN NUTTALL

DAVID HADLEY JR.

DOCKET-FAMILY COURT CCC
FILE ROOM-CSC
SUPPORT SERVICES-CCC

CASE CONSOLIDATION

On Motion of Petitioner,

IT IS ORDERED consolidating cause numbers FN 2004-01356 and FN 2004-070404 under cause number **FN 2004-070404** for all further proceedings.

IT IS ORDERED setting a **Settlement Management Conference** on **May 7, 2004 at 9:00 a.m. (1 hour allowed)** in this Division, at:

**Northwest Regional Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374**

Both parties, together with their counsel, if represented, **shall appear in person**, and be prepared to discuss the final settlement and, if necessary, pre-trial management of this case. **IF ONLY ONE PARTY APPEARS, THE COURT MAY ENTER A DEFAULT AGAINST THE ABSENT PARTY, AND ALLOW THE PARTY THAT APPEARS TO PROCEED BY DEFAULT. IF BOTH PARTIES FAIL TO APPEAR, THE ACTION MAY BE DISMISSED.**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2004-070404

04/26/2004

Mandatory Position Statement.

IT IS FURTHER ORDERED that each party shall fully complete and file a Position Statement in substantially the form attached to this minute entry without narrative statements or other documents, and provide a copy to the adverse party and to this Division at least 5 days before the Conference. The Court is required to consider the reasonableness of each party's positions, including the failure to take a position, in any subsequent requests for attorney's fees made pursuant to A.R.S. §§ 25-324 and 12-349.

Pre-Conference Settlement Meeting.

IT IS FURTHER ORDERED that, unless an Order of Protection is in effect, the parties and counsel, if any, shall meet in person prior to the Settlement Management Conference, and use their best efforts to settle or narrow the issues in this case. In the event the parties and counsel, if any, have not met prior to the Settlement Management Conference, they shall meet in this Division's jury room commencing one (1) hour prior to the scheduled Settlement Management Conference.

Disclosure.

IT IS FURTHER ORDERED that both parties shall complete the initial disclosure requirements of Rule 26.1, Arizona Rules of Civil Procedure (ARCP) prior to the Settlement Management Conference. Pursuant to Rule 37(b), ARCP, any party who fails to timely disclose information required by Rule 26.1 shall not be permitted to use such evidence in future motions, hearings or trials, except by leave of court for good cause shown, unless such failure is harmless.

Parent Education Program.

IT IS FURTHER ORDERED that in the event the parties have a natural or an adopted minor, unemancipated child in common, both parties shall have completed, or be scheduled to complete, an approved Parent Education Program in accordance with A.R.S. §25-351 et seq. prior to the Settlement Management Conference and file proof thereof prior to or at the time of the Conference.

Failure to obey this order in all respects may subject the offending party or counsel to all sanctions provided and allowed by court rule, statute or other law.